

Message Text

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ACTION IO-13

INFO OCT-01 EUR-12 ISO-00 EB-08 L-03 AID-05 COME-00

STR-04 LAB-04 DIWY-01 TRSE-00 CIAE-00 INR-07

NSAE-00 OIC-02 AF-08 ARA-10 EA-09 NEA-10 /097 W

-----051229Z 065806 /22

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FM AMEMBASSY VIENNA

TO SECSTATE WASHDC 1294

INFO USUN NEW YORK 3960

UNCLAS VIENNA 2660

FOR NORRIS AND SCHWEBEL

E.O. 11652: N/A

TAGS: UNIDO, PORG, EIND

SUBJECT: GOVERNMENT RESERVATIONS ON UNIDO CONSTITUTION TEXT AT CON-
CLUSION OF IGC-V

REF: STATE 070940

1. SUMMARY: AT FINAL PLENARY SESSION OF FIFTH INTER-GOVERN-
MENTAL COMMITTEE OF WHOLE TO DRAW UP A CONSTITUTION FOR UNIDO
AS A SPECIALIZED AGENCY (IGC-V) NIGHT OF APRIL 2, U.S., CANADA,
FRANCE, JAPAN, SWITZERLAND, PERU, GROUP OF 77, GROUP D (SOVIET
BLOC) AND CHINA ENTERED FORMAL RESERVATIONS OR ACCEPTANCE OF
SPECIFIC LANGUAGE ONLY AD REFERENDUM. IGC-V RAPPORTEUR
REQUESTED THAT TEXTS OF RESERVATIONS AND AD REFERENDUM APPROVALS
SHOULD BE SUBMITTED TO HIM IN WRITING WITHIN TWO WEEKS AFTER
CLOSING OF IGC-V. THESE COMMENTS WILL BE REFLECTED IN THE
WORKING RESUME OF IGC-V. END SUMMARY.

2. IGC-V NEGOTIATORS FROM ALL GROUPS ATTEMPTED TO AVOID RE-
OPENING LANGUAGE ONCE AGREEMENT HAD BEEN REACHED UNLESS NECES-
SARY TO MAKE NEW LANGUAGE CONSISTENT WITH PREVIOUSLY AGREED
LANGUAGE. IN THIS CONTEXT, RESERVATIONS AND AD REFER-
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ENDUM AGREEMENTS STAKE OUT ARTICLES AND PARAGRAPHS WHICH
ARE FAIR GAME FOR FURTHER CONSIDERATION AT ANY FUTURE
NEGOTIATIONS EVEN IF THEY ARE NOT IN BRACKETS OR EVEN IF
THE LANGUAGE IN BRACKETS IS IDENTIFIED AS SPONSORED BY
ALL MEMBERS OF A GEOGRAPHICAL GROUP. ALL LANGUAGE IN
BRACKETS IS, OF COURSE, UNDERSTOOD TO BE OPEN TO NEO-
TIATION AND IT WAS NOT CONSIDERED NECESSARY FOR MEMBERS

OF GROUPS WHICH HAD NOT SPONSORED THE LANGUAGE IN BRACKETS TO ISSUE RESERVATIONS ON THE BRACKETED LANGUAGE. NEITHER DOES THIS CABLE RECORD RESERVATIONS WHICH ALREADY APPEAR IN FOOTNOTES TO THE DRAFT CONSTITUTION TEXT AS OF APRIL 2, 1977, CONTAINED IN DOCUMENT A/AC.180/L.7/ADD.3.

3. THE FOLLOWING RESERVATIONS AND AD REFERENDUM APPROVALS WERE STATE AT THE FINAL PLENARY SESSION OF IGC-V ON NIGHT OF APRIL 2 WITH THE UNDERSTANDING BY DELEGATIONS THAT THEY WOULD BE REFLECTED BY THE RAPPORTEUR IN HIS WORKING RESUME OF IGC-V.

(A) PREAMBLE: GROUP OF 77 SPOKESMAN ADDED G-77 RESERVATION TO THAT OF CHINA ALREADY RECORDED IN A/AC.180/KL.7/ADD 3 ON THE WORDS IN PREAMBULAR PARA (9), "AND TO MAINTAIN DURABLE AND JUST PEACE AND SECURITY." CONSEQUENTLY, GROUP D REQUESTED THAT THE TEXT EXTANT AT THE CONCLUSION OF IGC-IV (A/AC.180/9/ADD.I) BE RE-ESTABLISHED BY REINSERTING THE FOLLOWING BRACKETED LANGUAGE IN PREAMBULAR PARAGRAPHS 2 AND 5 RESPECTIVELY: /AND, IN PARTICULAR, ITS BASIC GOAL OF MAINTAINING PEACE AND SECURITY" AND "ON THE BASIS OF PEACE AND INTERNATIONAL COOPERATION."

(B) ARTICLE 4 (SUSPENSION): DELS OF FRANCE AND SWITZERLAND RESERVED ON ALL THREE PARAGRAPHS OF ARTICLE 4. DEL OF CANADA RESERVED ONLY ON PARA 1 OF ARTICLE 4 EXPLAINING THAT THE CRITERION FOR SUSPENSION WAS EXCESSIVELY BROAD AND THAT SUCH CONFERENCE POWER TO SUSPEND WAS NOT FOUND IN OTHER SPECIALIZED AGENCIES.

(C) ARTICLE 7 (GENERAL CONFERENCE): DEL OF PERU JOINED GROUP D RESERVATION ON PARA 2(A) ALREADY RECORDED IN A/AC.180/L.7/ UNCLASSIFIED

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ADD. 3 (THAT GENERAL CONFERENCE SHOULD BE HELD ONLY EVERY FOUR YEARS) EXPLAINING THAT GOVERNMENT OF PERU BELIEVED TO THE CONTRARY THAT GENERAL CONFERENCE SHOULD MEET ANNUALLY.

(D) ARTICLE 11 (PROGRAM AND BUDGET): DEL OF FRANCE RESERVED ON BOTH SENTENCES OF PAR 4(B) AND (C). U.S. DEL ACCEPTED ONLY AD REFERENDUM SECOND SENTENCE PARA 4(B) AND (C) WHICH APPEARS IN BRACKETS SHOWING GROUP B SPONSORSHIP, NOTING THAT AGREEMENT ON EXACT FORMULATION HAD BEEN ACHIEVED VERY LATE IN COMMITTEE SESSION.

(E) ARTICLE 12 (ASSESSED CONTRIBUTIONS): US DEL STATED IT PREFERRED FORMULATION OF PARA 1 FOUND IN A/AC.180/L.7/ADD 4 TITLED "EDITORIAL QUESTIONS NOT RESOLVED BY COMMITTEE OF WHOLE". SINCE PARA 1 WAS NOT ENCLOSED IN BRACKETS. US DEL WISHED TO RESERVE RIGHT OF GROUP B TO SUGGEST ALTERNATIVE WORDING FOR THIS PARAGRAPH AT A LATER STATE.

(F) ARTICLE 20 (AMENDMENTS): DEL OF CHINA RESERVED ACCEPTANCE OF VOTING MAJORITY SPECIFIED IN PARA 3(B), "AN AMENDMENT RELATED TO (SPECIFIED "SHOPPING LIST" OF ARTICLES) SHAL COME INTO FORCE AND BE BINDING ON ALL

MEMBERS WHEN . . . (B) IT IS APPROVED BY THE CONFERENCE
BY A TWO-THIRDS MAJORITY OF ALL MEMBERS".

(G) ARTICLE GWR (RESERVATIONS)C DEL OF CHINA RESERVED ON
THE ARTICLE ON RESERVATIONS.

(H) ANNEX III (TO ARTICLE 10 BIS): US DEL WISHED IT
UNDERSTOOD THAT ALTHOUGH GROUP B IS SHOWN AS SPONSOR ON
PART B AND OB BRACKETED LANGUAGE WITHIN PART B, US DEL
WISHED TO RESERVE RIGHT TO SUGGEST ALTERNATIVE WORDING FOR
ANY PARTS OF THIS PARA AT A LATER STAGE. (THIS IS TO TAKE
CARE OF PROBLEM OF EXPLICIT MENTION OF UNDP IN LAST
SENTENCE. SEE REFTEL.)

(I) DRAFT RESOLUTION ON LOANS: DEL OF JAPAN RESERVED ON
THE DRAFT RESOLUTION ON LOANS (A/AC.180/CG/WP.28, P. 6) WHICH
WAS A REPLACEMENT FOR PREVIOUS ARTICLE 15. STIBRAVY

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Message Attributes

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Sent Date: 05-Apr-1977 12:00:00 am
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Disposition Approved on Date:
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